

SYMPOSIUM ON AIRPORT LAND USE COMMISSIONS

SPONSORS:

Institute of Transportation and Traffic Engineering,
University of California, Berkeley

Regional Airport Systems Study Committee
Association of Bay Area Governments

Airport Land Use Commissions of Alameda, Contra Costa,
Napa, San Mateo, Santa Clara, Solano and Sonoma Counties

Hs Lordships
Berkeley Marina
March 10, 1972

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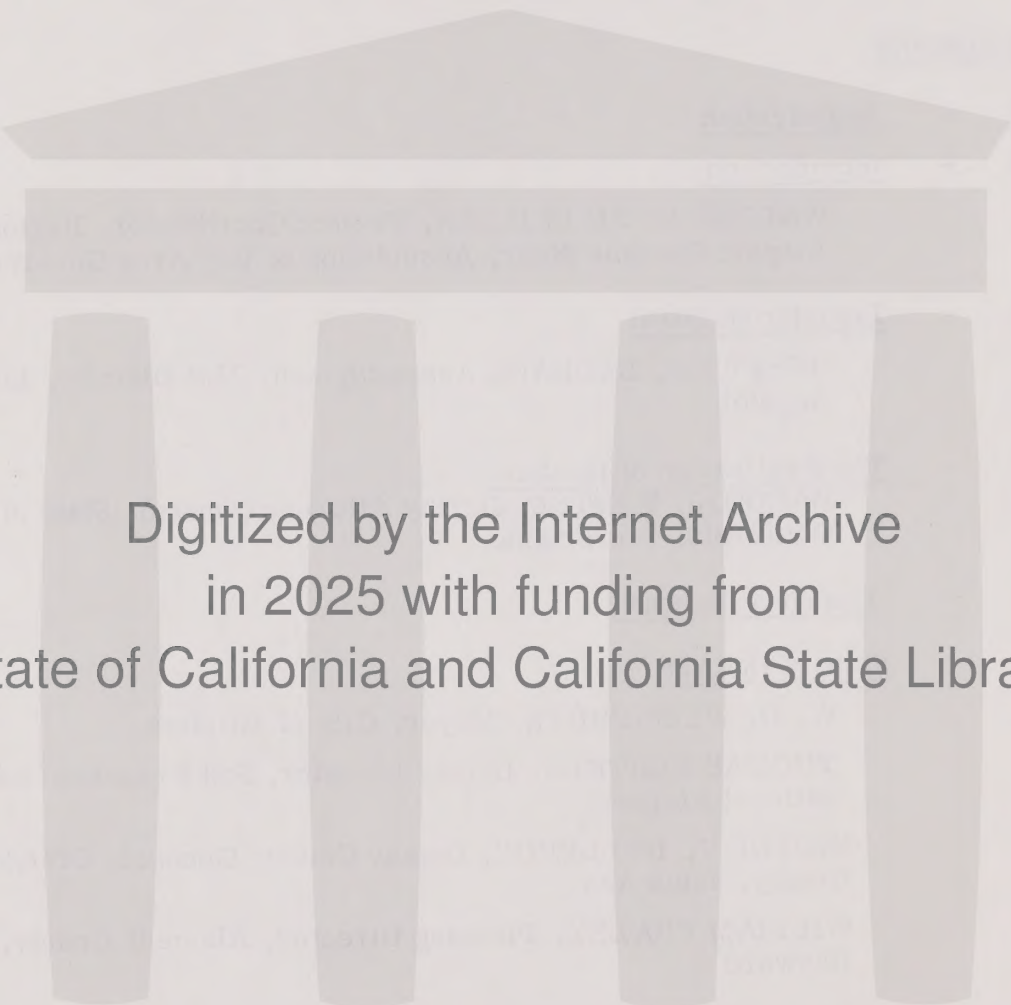
SYNPOSIUM ON AIRPORT LAND USE COMMISSIONS

Hs Lordships Restaurant
Berkeley Marina
March 10, 1972

Schedule and Speakers

MORNING SESSIONS

- 8:30 - Registration
- 9:30 - Introduction
WALTER E. GILLFILLAN, Project Coordinator, Regional
Airport Systems Study, Association of Bay Area Governments
- 9:45 - Legislative Intent
ROBERT E. BADHAM, Assemblyman, 71st District, Los
Angeles
- 10:30 - The Application of the Law
DANIEL J. WESTON, Deputy Attorney General, State of
California, Sacramento
- 12:00 - Luncheon Recess
- 2:00 - State of the Art
W. D. WEISGERBER, Mayor, City of Milpitas
THOMAS BERTKEN, Deputy Director, San Francisco Inter-
national Airport
VICTOR T. BELLERUE, Deputy County Counsel, Orange
County, Santa Ana
WILLIAM FRALEY, Planning Director, Alameda County,
Hayward
- 3:30 - Current Aviation Planning Efforts
Federal - CARL HAND, District Airport Engineer, Federal
Aviation Administration, Burlingame
State - JOSEPH CROTTI, Director, California Department
of Aeronautics, Sacramento
Region - WARREN BOGGESE, Chairman, Regional Airport
Systems Study, Association of Bay Area Governments
- 4:30 - Adjourn



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THE INSTITUTE OF TRANSPORTATION AND TRAFFIC ENGINEERING, UNIVERSITY OF CALIFORNIA

AIRPORT LAND USE COMMISSION SYMPOSIUM

March 10, 1972
Berkeley Marina, California

REGISTRATION LIST

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SCOTT, Peter	2255 Pelham Pl. Oakland, 94611	Ratcliff-Slaura
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Proceedings
Symposium on Airport Land Use Commissions
H's Lordship's Restaurant
March 10, 1972

Registrants- Nearly 100 present including land use commissioners, county attorneys and planners from throughout the State.

Joint Sponsorship- ABAG Regional Airport Systems Study Committee (RASSC), Institute of Transportation and Traffic Engineering (ITTE) of the University of California and seven Bay Area ALUC's from the counties of Alameda, Contra Costa, Napa, San Mateo, Santa Clara, Solano and Sonoma.

Introduction- Harmer Davis, Director of ITTE welcomed the registrants and noted that ITTE was glad to have the opportunity to cooperate with ABAG and the Bay Area ALUC's in sponsoring the Symposium.

Walter Gillfillan, Study Director of ABAG's RASSC reviewed why and how the symposium had come about and what it would cover- Legislative Intent of AB 1856 and the Application of the Law at the morning session; and State of the Art and Current Aviation Planning Efforts at the Afternoon session.

Legislative Intent- Robert E. Badham, Assemblyman 71st District, Orange County.

Assemblyman Badham cited some of the controversies that had led up to ALUC legislation and then outlined legislative action in three steps. The first step failed, he said. Not one commission had been established under 1967 permissive legislation for the establishment of county land-use commissions. The second step, AB 1856, mandated the establishment of county land-use commissions under certain circumstances. The idea was to give local governments the opportunity to keep residential communities and airports from encroaching on one another. If local government should fail to do an adequate job, the third step would be a State take-over of this function.

However, Assemblyman Badham expressed confidence in the ability of local governments to work out their own problems. When questioned on responsibilities, definitions and authority under the law he said "we'd like to keep it loose... we shouldn't have to dot every 'i' and cross every 't'... we felt that we should leave some prerogatives for local government."

The Application of the Law- Daniel J. Weston, Deputy Attorney General, State of Calif., Sacramento.

From an attorney's viewpoint, Mr. Weston said, "The hardest thing was to determine what the legislative interest was."* According to the Attorney General, the Public Utilities code as amended by AB 1856 now empowers an ALUC to veto a public agency's acts or regulations which are inconsistent with the commission's area plan, if such agency cannot over-ride the veto by a four-fifths vote of its board. In such a case, an ALUC could bring a writ of mandate against the conflicting agency. However, it is not clear whether or not an ALUC has veto power over past acts, said Mr. Weston.

* Appendix A has full opinion

ALUC decisions could cause hardships and are intended to in certain circumstances, noted Mr. Weston. However, in many circumstances the possible implications and outcomes are not certain. Many troublesome and litigious issues arose in the ensuing discussion. Does an ALUC have any responsibility for airport planning? How does it deal with "airport operations"? The word "operations" is critical in application but undefined in the act. How does ALUC planning relate to the comprehensive planning requirement? Mr Weston saw no control over military airports or private property.

For informal discussion and lunch, the Symposium recessed from 11:30 a.m. to 1:30 p.m.

State of the Art- Four Views

W.D. Weisgerber, Mayor, City of Milpitas

"I'm not sure there is a state of the art. We don't know where we are, said Mayor Weisgerber. Different attorneys have different interpretations. Some say ALUC's should not interfere with airport development; some say the ALUC should play a part in airport policy decisions and some take various stands in between. The law should be specific. As it is we don't know how to implement the law to make it work in Santa Clara County."

Thomas Bertken, Deputy Director, San Francisco International Airport and Ex Officio Member San Mateo ALUC

As an ex officio representative to the County Regional Planning Committee, the San Mateo County ALUC designee, Mr. Bertken briefed the symposium on the arrangements there to date. San Mateo County has generally adopted the Riverside County format.

Mr. Bertken said he hoped that ALUC arrangement would provide a positive interchange and communication to prevent future situations of the Foster City type. "The greatest hinderance to doing an adequate job is the financing" said Mr. Bertken.

Victor T. Bellerue, Deputy Council of Orange County

"From a lawyer's viewpoint," said Mr. Bellerue, AB 1856 is an incomprehensible law and it raises more questions than answers. Among other things at issue is an "area" plan, how do citizens furnish it, what are the limits of ALUC powers and what is a "public" airport.

Mr. Bellerue took a broad interpretation of the definition of a "public" airport. His position is that within the scope of the act military airports are public airports because they are publically owned. Privately owned airports open to the public are "public" airports because they are publically used. Heliports would also be included as public airports in his view.

Mr. Bellerue noted that the lack of money and staff limited what ALUC work is going on in Orange County.

William Fraley, Planning Director, Alameda County, Hayward

"We are back to studying the art of coordination and cooperation."

Reinforcing what had been said before, Mr. Fraley characterized the ALUC law as limited, imprecise, inconsistent and in conflict with local planning commissions. He also noted difficulties such as the cross-over of county lines by regional problems; single purpose planning conflicting with comprehensive planning and ALUC dependence on State plans that are not yet in existence and that are generally composites of local plans; and the lack of state legislation pressuring the engine manufacturers to reduce noise pollution.

Mr. Fraley said we have co-ordinating mechanisms if we want to use them to bring public parties together on the local scene. "In LAFCO's, he said, we have the planning commissions of the future to make changes within the sphere of local governments." However, Mr. Fraley felt that ALUC's should be taken seriously and that their actions ought to be defensible-technically and legally.

Current Aviation Planning Efforts

Federal-Carl Hand, District Airport Engineer, Federal Aviation Administration, Burlingame

Mr. Hand brought the symposium up to date on the Airport and Airways Development Act of 1970 after tracing the history of federal aviation legislation affecting local jurisdictions from the beginning when no strings were attached. ALUC's Mr. Hand noted, are not eligible for funds under the 1970 Act.

The current planning effort, the National Airport Systems Plan, (NASP), will be in flux for 2-3 years. Federal aid eligibility under the Airport Development Aid Program (ADAP) requires the project to be in NASP. Mr. Hand mentioned the many planning bases that needed to be touched before ADAP money could flow. FAA would like to go to one, such as ABAG, which would bring the others together, he stated.

State-Joseph Crotti, Director, California Department of Aeronautics, Sacramento

Mr. Crotti called for co-ordination and cooperation and noted that local and regional inputs are more important than ever, now that California is moving towards a multi-modal planning approach and progressing in its Statewide Aviation Master Plan. The State would go into overall comprehensive planning and not local detail. The Master Plan would include the development of funding priorities and serve as a central source of computerized basic data.

"The ALUC", said Mr. Crotti, is the local link charged with compatibly integrating air transportation with communities in the vicinity of airports. He stressed the dependence of the State Aviation Master Plan upon local and regional Airports.

Region- Walter E. Gillfillan, Study Director, RASSC
for Chairman Warren Boggess

Mr. Gillfillan highlighted the role and work of the two and a half year Airport Systems Study which concludes in June. He said that the study had enjoyed a broad-based support and that it had addressed a wide range of concerns in an open forum. The RASS format had allowed technical and public opinion review. He felt that the Committee had gotten a sense of what concerned people through its public hearings, letters and questionnaires received, press coverage and staff presentations throughout the region.

Mr. Gillfillan reviewed the work the RASS committee had to do before it could recommend a Regional Airport Systems Plan for adoption by ABAG into its Regional Plan 1970-90 and into its A-95 federal grant review procedures. The Committee, among other things, must adopt criteria or demand forecasts, noise levels, on allocations of traffic and on identification of the regional role of each airport.

In concluding, he said, "The Symposium is a product of what you contributed and ABAG stands ready to respond to any requests you may have in the future for further sessions."



OFFICE OF THE ATTORNEY GENERAL

Department of Justice

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RECEIVED
FEB 17 1972
California Department
of Aeronautics
SACRAMENTO

February 15, 1972

Hon. Joseph R. Crotti, Director
Department of Aeronautics
Sacramento Executive Airport
Sacramento, California 95822

Dear Mr. Crotti:

By your letter of September 20, 1971, you asked our opinion on the following question:

Where the Airport Land Use Commission has made a determination that the acts or regulations of a public agency are inconsistent with the Commission area plan and that such inconsistencies are harmful and not in the best interests of the airport and adjacent areas, what is the effect of Section 21676 of the Public Utilities Code where the public agency has failed to overrule the Commission?

Our conclusion is that where the Airport Land Use Commission has made a determination pursuant to section 21676 of the Public Utilities Code that acts or regulations of a public agency are inconsistent with the Commission area plan and where the effected public agency has failed to overrule the Commission by the required four-fifths vote, that the Commission exercises thereby a veto power over such actions or regulations and that such actions or regulations may not be implemented.

ANALYSIS

The Airport Land Use Commission is established by sections 21670 through 21676 of the Public Utilities Code. (Hereafter all references are to the Public Utilities Code unless otherwise stated and the Airport Land Use Commission is referred to as

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Commission.) Section 21670 provides for the creation of a Commission in certain counties as therein more particularly set forth. Each Commission has seven members: two representing the cities selected by the mayors of all the cities; two representing the county selected by the board of supervisors; two representing the airports selected by the airport managers; and one representing the public selected by the other six.

The two sections most immediately concerned with your inquiry are sections 21675 and 21676 as set forth below:

"§21675.

"The commission shall formulate a comprehensive land use plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general. The commission plan shall include a long-range master plan that reflects the anticipated growth of the airport during at least the next 20 years. This plan shall not be inconsistent with the State Master Airport Plan. In formulating a land use plan, the commission may develop height restrictions on buildings, may specify use of land, and may determine building standards, including soundproofing adjacent to airports, within the planning area.

"The planning boundaries shall be established by the commission after hearing and consultation with the involved agencies."

"§21676.

"Each public agency having representation on the commission shall assist in the development of an area plan. All such plans must be filed with the commission for its approval. If in the determination of the commission, an action or regulation of any public agency within the boundaries of the area plan is inconsistent with the commission plan, then the commission shall hold a hearing to determine whether or not

the proposed action is in the best interest of the airport and the adjacent area. If it is determined that the action would be harmful, then the public agency shall be notified and the public agency shall have another hearing to reconsider its action. The public agency proposing the action or regulation, however, may overrule the commission after such hearing by a four-fifths vote of its governing body.

"Each public agency owning any airport within the boundaries of the area plan shall file any substantive change in development plans with the commission for its approval. If such plans are inconsistent with the commission plan, then the public agency shall be notified and shall have another hearing to reconsider its action. Such public agency, however, may overrule the commission by a four-fifths vote of its governing body."

These sections devolve on the Commission certain duties and powers. Section 21675 provides inter alia that the Commission shall formulate a comprehensive land use plan for each public airport within its jurisdiction which plan includes a long-range master plan reflecting anticipated growth. The Commission may in its discretion develop height restrictions on buildings, specify land use and determine building standards including soundproofing. The Commission is charged with the duty of establishing planning boundaries after consultation with the involved agencies whose recommendation thereon are advisory only to the Commission.

The wording of section 21676 is reasonably straightforward. It imposes on each public agency designated as a member of the Commission the duty to assist in the development of the area plan. It empowers the Commission to determine after hearing that proposed actions or regulations of any public agency within the boundaries of the area plan are inconsistent with the Commission plan. It gives the public agency effected by such an adverse determination the power to overrule the Commission's determination, but only by a four-fifths vote of its governing body. If the public agency is unable to muster the required votes to overrule the Commission, then the Commission's determination of inconsistency stands and the public agency is prohibited from pursuing or implementing such actions or regulations.

The conclusion that the Commission's determination of inconsistency if not overruled operates as a prohibition on such inconsistent conduct by the public agency, is necessitated by the rules of statutory construction.

If, for example, the determination of inconsistency were merely good advice and advisory only, there would be no comprehensible reason why the Legislature would provide a mechanism for overruling the Commission. Such an interpretation would mean that the Legislature elaborately provided for the doing of a completely idle act. Furthermore, if such determination were advisory only, then the public agency could simply decide to ignore the Commission's determination. This interpretation would be tantamount to giving the public agency the power to overrule the Commission by majority vote and would fly in the face of the plain meaning of section 21676 requiring a public hearing and a four-fifths vote. In statutory construction it will never be presumed that the Legislature intended an absurd result nor will it be presumed that it used inconsistent provisions on the same subject. In re Haines, 195 Cal. 605; In re Larenzen, 128 Cal. 431. Further, courts will not interpret a section of a statute in such a way that it would defeat or render nugatory an important provision thereof. Clements v. Brechtel, 43 Cal.2d 227. And effect should be given to the statute as a whole, and to its every word and clause, so that no part or provision will be useless or meaningless. People v. Western Air Lines, Inc., 42 Cal.2d 621. Every word, phrase or provision is presumed to perform some useful office, and a construction implying that words were used in vain or that they are surplusage will be avoided. Rumetsch v. Oakland, 135 Cal.App. 267; Los Angeles County v. Emme, 42 Cal.App.2d 239.

The fact that the Legislature intended to give the Commission veto powers under section 21676 is further demonstrated by an analysis of section 21674 and the manner in which it was amended in 1970.

Section 21674 reads as follows:

"§21674.

"The commission shall have the following powers and duties, subject to the limitations upon its jurisdiction herein set forth:

"(1) To study conditions and make recommendations concerning the need for height restrictions on buildings near airports.

"(2) To make recommendations for the use of the land surrounding airports to assure safety of air navigation and the promotion of air commerce.

"(3) To hold public hearings regarding the subject matter in subdivisions (1) and (2) and make findings of fact thereon which would be advisory only to the involved jurisdiction.

"(4) To make and enforce rules and regulations for the orderly and fair conduct of such hearings which shall conform as nearly as possible to the provisions applicable to hearings conducted by local agency formation commissions.

"The powers of the commission shall in no way be construed to give the commission jurisdiction over the operation of any airport."

At the time the Legislature added sections 21675 and 21676 in 1970 to the Airport Land Use Commission Act, it simultaneously amended section 21674 (Chapter 1182, Statutes 1970). Prior to the amendments of 1970, the last sentence of section 21674 read as follows:

"The powers of the commission shall be advisory only and shall in no way be construed to give the commission jurisdiction over the operation of any airport or jurisdiction over any matters relating to zoning or land use authority of any city or county."
Chapter 852, Statutes 1967. (Emphasis added.)

The amendments of 1970 inter alia deleted those provisions of section 21674 underlined above thereby providing for the full operation and effect of the added sections 21675 and 21676. The Legislature by deleting the phrase "shall be advisory only" implied thereby that certain powers of the Commission would be other than advisory. The Legislature in deleting the wording which prohibited the Commission from exercising jurisdiction over zoning and land use authority of cities and counties implied thereby that such jurisdiction could henceforth be exercised.

It is usually presumed that the Legislature by deleting a statutory provision intended a substantial change in the statute, People v. Valentine, 28 Cal.2d 121; and intended a change in those

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particulars concerning which it made a change in language.
Loeblvs. Inc. v. Byram, 11 Cal.2d 746; Whitley v. Superior Court,
18 Cal.2d 75.

These implications of changed powers become explicit by the addition of sections 21675 and 21676 giving the Commission veto powers over proposed actions or regulations of public agencies which were found to be inconsistent with the Commission master plan.

Construing these three sections together, it is apparent that the Legislature intended that section 21674 was only a partial rendition of the commission's powers and duties, with additional powers and duties being devolved and mandated by section 21675 and section 21676. The differences of powers between 21674 and 21676 are harmonized by noting the differing tasks and applications intended under each section. By its terms the veto power of the Commission under section 21676 is expressly limited to actions of public agencies, whereas the recommendatory and fact finding powers under section 21674 has no such express limitation and may extend to any airport within its jurisdiction. Section 21676 provides a negative blocking power whereas section 21674 provides for the recommendation of affirmative actions to provide for safety and promote air commerce. Section 21676 provides a means for preserving the integrity of a comprehensive master land use plan whereas 21674 may be used to focus on specific problems related to specific airports. In interpreting an act the various sections must be construed so that they operate together harmoniously. Long Beach City Schools District v. Payne, 219 Cal. 598; Neuwald v. Brock, 12 Cal.2d 662.

For the reasons considered herein, it is concluded that where the Commission pursuant to section 21676 determines that actions or regulations of a public agency are inconsistent with the Commission plan, and where such finding is not overruled in the manner required, that such determination acts as a veto power prohibiting the agency from implementing such acts or regulations.

Very truly yours,

EVELLE J. YOUNGER
Attorney General



DANIEL J. WESTON
Deputy Attorney General

REPORT AIRPORT LAND USE COMMISSION OF ALAMEDA COUNTY

The 1969 Session of the California Legislature amended the State Public Utility Code to require each* county to establish an Airport Land Use Commission. The Board of Supervisors and the selection committee of mayors in any county may determine that proper airport land use planning may be accomplished by an existing body, such as a county planning commission or county planning advisory committee.

Santa Clara County and San Mateo County each designated their county planning advisory committee to assume the role of airport land use planning. Alameda and Contra Costa Counties each established new agencies: Airport Land Use Commissions.

The Airport Land Use Commission of Alameda County is composed of seven members: Two representing the County appointed by the Board of Supervisors, two representing the cities appointed by a committee of the Alameda County Mayor's Conference, two representing the County's airports appointed by a selection committee of airport managers, and one member representing the general public appointed by the other six commission members. Term of office is four years. Without increase in staff or budget, the County Planning Department has been assigned the role of providing the Commission a technical and clerical staff. A representative of the County Counsel's office is the Commission's legal advisor.

The "powers and duties" described for the Commission are:

1. To study conditions and make recommendations concerning the need for height regulations near airports.
2. To make recommendations for the use of land surrounding airports to assure safety of air navigation and the promotion of air commerce.
3. To hold public hearings regarding the above and make findings of fact which would be advisory only to the involved jurisdictions.

The real powers of the Commission are expressed in its basic assignment to formulate a comprehensive, long-range plan for each airport and its surroundings so as to provide for the orderly growth of the airport and its planning area, and to safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general. Within each airport's planning area, the Commission may develop height restrictions on buildings, may specify use of land and may determine standards, including sound-proofing, adjacent to airports.

Local agencies are obliged to assist in the preparation of area plans which plans or any later change in plans must be filed with the Commission for its approval. If the Commission finds any action or regulation of any public agency is inconsistent with the Commission's plan, the Commission shall hold a public hearing to determine whether the proposed actions are in the best interest of the airport and the adjacent area.

If the Commission finds that the proposed action would be harmful or inconsistent with the Commission's plan, then the public agency is notified and required to hold another public hearing to reconsider its action. The public agency proposing the action or regulation may overrule the Commission only after such hearing and a four-fifths vote of its governing body.

Obviously, the Airport Land Use Commission has formidable responsibility and authority. Realization of its assignment to create a comprehensive long-range plan for each airport and its planning area will require considerable effort of its own as well as coordination with the State (State Master Airport Plan), the San Francisco Bay Region (ABAG Regional Airport System Study), adjoining counties and their airport land use planning, this County's General Plan program, the plans of cities within the County and the plans of the individual airports themselves.

*Counties containing at least one public airport and served by a certified air carrier.

Alameda County Planning Department
July , 1971

RULES OF PROCEDURE

Article I

GENERAL PROVISIONS

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FEB 22 1972

ASSOCIATION OF
BAY AREA GOVERNMENTS

- Section 1.1. Name of Agency. The name of the agency is the "Airport Land Use Commission of Alameda County".
- Section 1.2. Applicability of Rules. These rules apply to the Airport Land Use Commission of Alameda County and are adopted pursuant to the authority vested in the Commission by Article 3.5 of Chapter 4, Part I, Division 9 of the Public Utilities Code of the State of California.
- Section 1.3. Purpose of Rules. The purpose of these rules is to provide for orderly and fair conduct of the hearings and other business of the Commission.

Article II

DEFINITIONS

- Section 2.1. Commission. "Commission" means the Airport Land Use Commission of Alameda County.
- Section 2.2. Meeting. "Meeting" means any regular, special, or adjourned meeting of the Commission.
- Section 2.3. Member. "Member" means each of the seven members selected to the Commission consisting of two County representatives, two City representatives, two representatives of airports in Alameda County, one member representing the general public. "Member" also means a proxy or substitute member when acting in place of a member as provided in these Rules.
- Section 2.4. Proposal. "Proposal" means a plan, action or regulation of any public agency within an airport plan area submitted with adequate information and in the proper form.
- Section 2.5. Airport Plan Area. "Airport Plan Area" is the airport and the area surrounding an airport which plan area boundaries have been formally established by the Commission.

Article III

COMMISSION MEETINGS, QUORUM

- Section 3.1. Regular Meetings. Regular meetings of the Commission shall be held on the second Wednesday of each month, commencing at the hour of 8:00 p.m. in the Auditorium of the Alameda County Public Works Building, Hayward, unless an alternative time or place is designated by the Commission for one or more meetings.
- Section 3.2. Special Meetings. Special Meetings of the Commission may be called by order of the Chairman of the Commission or by a majority of the members. The order calling the special meeting shall specify the time of the meeting and the business to be transacted at such meeting, and no other business shall be transacted at that meeting.
- Section 3.3. Adjourned Meetings. Any meeting of the Commission may be adjourned to any date prior to the date established for the next succeeding regular meeting of the Commission. Any adjourned meeting of a regular meeting or adjourned regular meeting is part of the regular meeting. Any adjourned meeting of a special meeting or adjourned special meeting is part of the special meeting.
- Section 3.4. Effect of Holiday. If any meeting day or adjourned meeting day falls on a holiday, the meeting of the Commission shall be held at the same place upon the next business day commencing at the same hour, in which event all hearings, applications, petitions, and other matters before the Commission are continued to that time and place.
- Section 3.5. Quorum. Four members of the Commission constitute a quorum for the transaction of business. No act of the Commission shall be valid or binding unless four members concur therein.
- Section 3.6. Absence of Quorum. In the absence of a quorum, the members present shall adjourn the meeting to a stated time and place, and the absent members shall be notified. If all members are absent, the Administrative Office of the Commission may adjourn the meeting to a stated time and place and notify all members.
- Section 3.7. Meetings Open to the Public. All meetings of the Commission are open to the public.
- Section 3.8. Disqualification of Members and Appointment of Substitute Members. When the Commission is considering a proposal, or is taking any action, as to which a regular member of the Commission is personally interested, that regular member is disqualified from participating in the proceedings of the Commission with respect to such proposal or action. The exact nature of the conflict of interest need not be disclosed by the regular member. A members relationship with an agency or geographical area having representation on the Commission shall not be the ground for such disqualification.
- In the event of any such disqualification, the remaining regular members present may thereupon appoint a substitute member to act in place of such disqualified regular member with respect to such proposal or action, and may continue the hearing on such proposal or action in order to permit the substitute member so appointed fully to participate in the Commission's deliberations.
- Section 3.9. Voting: Substitute Members. Substitute members may sit with the Commission at all meetings. A substitute member may act in place of a regular member in the event of the disqualification of a regular

Section 3.10. Challenge by Audience. If the impartiality of any member with respect to any proposal is questioned by any person appearing before the Commission, and the member has not disqualified himself, such member may be permitted to participate in the proceedings by majority vote of the members of the Commission present.

Section 3.11. Proxy. Each member shall promptly upon his selection appoint a single proxy to represent him in Commission affairs, and to vote on all Commission matters, when the member is not in attendance. The proxy shall be designated in a signed written instrument which shall be kept on file with the Secretary. The proxy shall serve at the pleasure of the member who appointed him. Any vacancy in the office of proxy shall be filled promptly by the appointment of a new proxy by the member.

Article IV

PRESIDING OFFICER

Section 4.1. Chairman and Vice Chairman. The members of the Commission shall elect a chairman and vice chairman who shall serve until the election of their successors.

Section 4.2. Successor to Chairman and Vice Chairman. Commencing in 1972, and annually thereafter, at the first regular meeting of the Commission held in May the members of the Commission shall elect a chairman and vice chairman to serve until the election of their successors.

Section 4.3. Duties of Chairman. The chairman shall preside at all meetings of the Commission and shall conduct the business of the Commission in the manner prescribed by these Rules. The chairman shall preserve order and decorum and shall decide all questions of order subject to the action of a majority of the Commission.

Section 4.4. Duties of Vice Chairman. In the absence, or inability to act, of the chairman, the vice chairman shall act as chairman, and when so acting shall have all of the powers and duties of the chairman. In the absence of the chairman from the County of Alameda, the authority of the vice chairman includes the authority to call special meetings.

Article V

CONDUCT OF BUSINESS

Section 5.1. Order of Business. The business of each meeting of the Commission shall be transacted as far as possible in the following order:

- (a) Roll Call.
- (b) Approval or Correction of Minutes.
- (c) Matters set for hearing.
- (d) Unfinished business.
- (e) New matters.

Section 5.2. Roll Call. Each roll call of the Commission shall be in alphabetical order, except that the Chairman shall be called last. When the roll is called on a motion, any member present who does not vote in an audible voice shall be recorded as "aye".

Section 5.3. Roll Call Not Required. The roll need not be called in voting upon a motion except when requested by a member. If the roll is not called, in the absence of objection, the Chairman may order the motion unanimously approved.

- Section 5.4. Hearings. At any hearing, the Commission shall hear any interested parties having made formal request to appear and be heard, and the report of the Commission's staff; and the Commission may hear any other person wishing to be heard. The Chairman shall decide the order of appearance, subject to action by a majority of the Commission.
- Section 5.5. Form of Commission Actions. All acts of the Commission approving or disapproving proposals with or without amendments, wholly, partially, or conditionally, shall be taken by resolution. All acts of the Commission regulating the internal affairs of the Commission shall be taken by motion duly passed, or by an order entered in the minutes of the Commission, and either the motion or order shall have full force and effect.
- Section 5.6. Robert's Rules of Order. Meetings shall be conducted pursuant to Robert's Rules of Orders, except as modified by these Rules.

Article VI

ADMINISTRATIVE OFFICER

- Section 6.1. Duties and Responsibilities: Administrative Officer. The Planning Director of Alameda County is the administrative officer of the Commission, except as he may delegate to an assistant, he has the following duties and responsibilities:
- (a) To develop standards and procedures for the evaluation of proposals;
 - (b) To coordinate the preparation of information and technical data;
 - (c) To plan, organize and coordinate the activities of the Commission;
 - (d) To present, or arrange for presentation of, information and technical data to the Commission for review and decision;
 - (e) To set dates for public hearings and publish notices as required by law;
 - (f) To perform other administrative duties as required by law or the Commission.
- Section 6.2. Duties and Responsibilities: Secretary. The Administrative Officer is Secretary of the Commission, and except as he may delegate to an assistant, has the following duties:
- (a) To attend each meeting of the Commission;
 - (b) To maintain a record of all proceedings of the Commission;
 - (c) To prepare an agenda for each meeting;
 - (d) To notify all Commission members of the time and place of any special meetings;
 - (e) To perform other duties directed by law or by the Commission.

- Section 6.3. Agenda. The agenda shall include those matters addressed to the Commission requiring its action on file with the Administrative Officer, and all matters which have been set previously for hearing at such meeting.
- Section 6.4. Budget. If authorized the Administrative Officer shall prepare a budget for the expenses of the Commission for submission to the Alameda County Board of Supervisors. Such budget shall be subject to approval by the Commission prior to submission to the Board of Supervisors. The budget so submitted shall conform to the requirements and procedures of Alameda County.
- Section 6.5. Forms. The Administrative Officer shall maintain a supply of the forms prescribed by the Commission, including copies of the Rules of Procedure, standards for evaluation of proposals, and all forms adopted by the Commission.

Adopted by the Commission - May 12, 1971
Approved as Amended July 14, 1971
Approved as Amended October 13, 1971
Approved as Amended November 10, 1971

RECEIVED

FEB 25 1972

ASSOCIATION OF
BAY AREA GOVERNMENTS

RULES AND REGULATIONS OF THE

CONTRA COSTA COUNTY AIRPORT LAND USE COMMISSION

The State of California, in 1970, enacted a law requiring the formation in Contra Costa County of an Airport Land Use Commission. The authority, powers, duties and limitations of the Commission shall be defined in the California Public Utilities Code, Division 9, Part 1, Chapter 4, Article 3.5, commencing with Section 21670. In accordance with the authority with which it has been invested, and in performance of the duties with which it has been charged, the Contra Costa County Airport Land Use Commission hereby adopts and promulgates the following rules:

ARTICLE I. OBJECTIVE

It shall be the objective of the Commission to promote the orderly development of each public airport and its area of influence in such manner as to safeguard both the welfare of the inhabitants in such areas and the interests of the general public as well as to encourage the growth of air commerce.

ARTICLE II. DEFINITIONS.

As used in these rules, the following words shall have the meanings as indicated:

A. Airport

An area of ground designated and intended for the taking-off and/or landing of aircraft. Heliports and stolports both will be considered to be airports for the purposes of implementing these rules and formulating land use plans.

B. Airport-Influenced-Area

An area, around each specified airport, that is designated by the Commission, which is, or reasonably may become, affected by airport related noise, fumes or other influence, or which may be now or in the future, a site for a hazard to, or caused by, aerial navigation.

C. Commission

Contra Costa County Airport Land Use Commission.

D. Heliport

An area designated and intended for the taking-off and landing of helicopters or other types of aircraft capable of vertical ascent or decent, whether or not the area is located on a building or a platform.

E. Local Zoning Authority

The County, a city, more than one city, or a combination of the county and cities which have the authority to zone all or any part of the land which has been designated by the Commission as being in the airport-influenced area.

F. Public Use Airport

Any airport which offers the use of its facilities by the public in general without prior notice and without specific invitation or clearance. Ownership of the airport, whether public or private, is not a factor. An airport owner may discriminate against use by a size or type of aircraft for which the facilities are not adequate without altering the status of the airport as public-use.

G. Private Use Airport

Any airport, regardless of type of ownership, which allows use of its facilities only by the owner and his invitees.

H. Stolport

An area intended and designated for the taking-off and landing of Short Take Off and Landing type of aircraft.

I. Type of Airport

Categories of "types" of airports are enumerated by the Federal Aviation Regulations and are related to runway lengths, width, bearing strength and obstruction clearance; therefore, "type" of airport is directly related to the numbers, sizes and categories of aircraft that can be accommodated.

ARTICLE III. AIRPORT-INFLUENCED AREAS

Section 3.1. Designation.

An airport-influenced area shall be designated around each public use airport in Contra Costa County. The size and shape of the area shall be determined on the basis of the type of airport that has been designated for the particular site, according to the ultimate development as shown in the Contra Costa County General Plan of Airports. For each public use airport in the county, existing as well as later developed, there shall be drawn a scaled plan showing the airport's runways.

D. Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace.

The land use plan shall reflect the anticipated twenty year growth of each airport and shall be consistent with the State Master Airport Plan. Representatives of the airport owner and the local zoning authorities will be asked to cooperate with the Commission and to provide expertise regarding the local areas. It is intended that the local zoning authorities affected by an area land use plan shall assist in the development of the plan.

Section 4.2. Factors in Land Use Plan Formation.

The land use plan may consider, but not be limited to, such factors as compatible land use, building heights, soundproofing of buildings and ground access to airports.

Land use designation and standards established by the individual local planning authorities shall be used, as appropriate, to the maximum extent.

Preparation of each Land Use Plan shall be a cooperative effort of the Commission's staff and the representatives of the local zoning authority.

Section 4.3. Adoption of the Plan.

The Land Use Plan for each airport-influenced area, when it has been approved and adopted by the Commission, shall constitute the Commission's recommendation for land use to the local planning agencies. Prior to adopting each land use plan, the Commission shall hold a public hearing in accordance with Article VI. (Hearings)

ARTICLE V. IMPLEMENTATION OF LAND USE PLANS

Local zoning authorities will be encouraged and requested to implement the provisions of the Land Use Plan, as recommended by the Commission, for their particular areas by adopting appropriate zoning or other regulatory measures.

Section 5.2. Inconsistent Action - Zoning.

When changes in the zoning regulations or maps are not consistent with the Land Use Policy as approved by the Commission, the proposed changes shall be submitted to the Commission for study, hearing (as hereinafter provided), and recommendation prior to the final decision by local zoning authority. The findings and recommendation of the Commission shall be returned to the local zoning authority upon the close of the Commission's hearing. (Article VI) Recommendations will be made for changing the defined standards of a local zone whenever there is no local zone appropriate for the recommended restriction. The recommendation of the Commission shall be binding on the local zoning authority unless its governing body by at least a four-fifths vote overrules the Commission.

Oriented to each runway on the plan will be drawn two contour lines. One contour line will depict the outer extremity of the noise impact boundary allowable for the particular airport in accordance with the Noise Standards of the California Administrative Code. The second contour line will depict the outer limits of those portions of the airport imaginary surfaces, as defined and illustrated in Part 77 of the Federal Aviation Regulation, extending up to and including 149 feet above the official elevation of the airport reference point.

The airport-influenced area shall be deemed to include all the property situated inside of either contour as depicted on the plan.

Section 3.2. Interim Designation of Airport-Influenced Areas.

7 In order to provide some immediate guidance to local zoning authority, pending the adoption of a comprehensive land use plan for each public use airport in the County, the Commission shall designate "Interim Airport-Influenced Areas". The "interim" classification will be placed on the areas which, in the judgment of the Commission, are, or may be, critical for future planning purposes. The imposition of an "interim airport-influenced area" classification shall require that local zoning authority refer zone changes within the critical area to the Commission.

Section 3.3. Defining Boundaries.

The planning boundaries of airport-influenced areas shall be established by the Commission after hearing and consultation with the affected local zoning authorities. The boundaries, both in the interim stage as well as the final adopted plan, shall be defined to the maximum practicable extent by utilizing prominent features or landmarks of a permanent nature such as roads, power lines, railroad tracks, developed properties, etc.

It is the intent of the Commission to make it possible for individual property owners to quickly and easily ascertain whether a particular parcel of property is located in the airport-influenced area.

ARTICLE IV. FORMULATION OF LAND USE PLAN

Section 4.1. Purpose.

The Commission shall formulate a comprehensive land use plan for all airport-influenced areas in the County, as required by State Law, by utilizing the following documents as primary sources of information:

- A. General Plans, Specific Plans, Zoning Maps and Ordinances of Local Planning Authorities.
- B. Contra Costa County General Plan of Airports.
- C. California Administrative Code, Chapter 9, Title 4, Subchapter 6, Noise Standards.

Section 5.3. Inconsistent Action - Airports.

When substantive changes in the development plans for the airport are proposed by the local authority owning the airport which are not consistent with the Land Use Plan as approved by the Commission, the proposed changes shall be submitted to the Commission for study, hearing (as hereinafter provided), and recommendation prior to the final decision by the local authority owning the airport. The findings and recommendation of the Commission shall be returned to the local authority owning the airport upon the close of the Commission's hearing. (Article VI) The recommendation of the Commission shall be binding on the local authority owning the airport unless its governing body by at least a four-fifths vote overrules the Commission.

Section 5.4. Variance Standards.

A variance is a request to modify any of the policies or standards as set forth in the Land Use Plan (Article IV). The Commission upon hearing the matter either initially or on appeal shall find the following conditions that must exist prior to approval of the variance.

1. That any variances authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity.
2. That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective land use plan standards is found to deprive the subject property of rights enjoyed by other properties in the vicinity.
3. That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located. Failure to so find shall result in a denial.

ARTICLE VI. HEARINGS

Section 6.1. Scheduling.

Hearings shall be scheduled by the Commission to consider matters relevant to its duties and responsibilities when requested by two or more of the Commission members or by a local zoning authority. A hearing also may be scheduled when requested by any interested party that claims that a matter being considered by a local zoning authority, or that action taken by a local zoning authority, is not consistent with the Commission approved plan for an airport-influenced area. A request for hearing by an interested party shall be filed simultaneously with both the Commission and the local zoning authority. If that matter is under consideration by the local zoning authority, the Commission staff may request that the local zoning authority take no final action on the matter for a period of not less than 60 days to receive the Commission's recommendation.

Section 6.2. Processing of Hearing Requests.

Requests for hearing, except when initiated by the Commission in session, shall be submitted either on forms provided by the Commission or in letter form. The request shall fully and fairly state the reason for the request and shall detail property descriptions, maps and other material necessary to fully understand the matter for which a hearing is being requested. Within the fifteen working days immediately following the receipt of a request for hearing, the Commission's staff shall determine if the matter for which the hearing is being requested is within the purview of the Commission. If the matter is a proper subject for a Commission hearing, a date for the hearing shall be set, and the date for hearing shall be no more than 50 days following the original filing of the request for hearing.

Section 6.3. Hearing Notice.

The date and subject matter of each hearing shall be "Noticed" by publication at least one time in a newspaper having general circulation in the part of the County in which the subject matter of the hearing is situated. The hearing notice shall be caused to be published at least ten working days prior to the date of the hearing. At the same time the published notice is submitted to the newspaper, a special notice shall be sent to the local zoning authority or person requesting the hearing and to all public agencies having an interest in the matter to be heard.

Section 6.4. Rules of Hearing.

The order of the hearings held by the Commission shall be:

- A. Open hearing.
- B. Staff to present evaluation and recommendations.
- C. Proponents to present case.
- D. Opponents to present case.
- E. Rebuttal by proponents.
- F. Any member of the Commission to call for such additional information, pros and cons, in the order he desires.
- G. Close hearing.
- H. Commission discussion and deliberation.
- I. Motions and voting.

Section 6.5. Quorum and Action.

Four members of the Commission shall constitute a quorum for the conduct of business. A majority of the Commissioners present and eligible to vote shall be required for any action of the Commission.

ARTICLE VII. TEMPORARY DISQUALIFICATION OF COMMISSION MEMBERS.

Section 7.1. Conflict of Interest.

A Commission member shall disqualify himself from taking part in any discussion or in casting a vote on any matter in which the member, one of his immediate family, or a relative of the first rank has any substantial interest. He shall then temporarily vacate his seat on the Commission and may become either a proponent or an opponent of the matter then being heard.

Section 7.2. Disqualification of Commission Member by Challenge.

The qualification of any member(s) to take part in the Commission deliberations and voting may be challenged by any party to the hearings. It shall be the duty of the Commission Chairman to evaluate the challenge and the testimony presented and then to rule upon the qualification of the challenged member. If the Chairman is the member so challenged, he shall immediately surrender his chair to the Vice Chairman, who will act as Chairman until the qualification of the challenged member has been decided.

ARTICLE VIII. COMMISSION'S STAFF MEMBERS.

The Secretary to the Commission shall be its administrative officer. The Contra Costa County Director of Planning or his designee, shall act as Secretary of the Commission.

March 11, 1971

TO: PLANNING POLICY COMMITTEE
FROM: PPC EXECUTIVE COMMITTEE
SUBJECT: AIRPORT LAND USE COMMISSION (ALUC)

BACKGROUND

The Planning Policy Committee has been designated as the Airport Land Use Commission (ALUC) by the Board of Supervisors, with the concurrence of the Mayors' Committee of the Inter-City Council (ICC), and has been certified as such by the Secretary of State of California.

For assistance in carrying out the ALUC functions, the PPC should establish an ALU Subcommittee to consider and make recommendations on the functions of the ALUC, and matters brought before it.

Discussion with the County Counsel indicates that ALUC will have authority to adopt land use policy for lands surrounding the airports. It will have certain review functions in the planning and development of the airports themselves. The commission has not been given the responsibility for planning new airports nor for locating sites for new airports. Once an airport site has been officially adopted as a site, the airport then comes under the jurisdiction of ALUC. The commission, however, may offer advice to any jurisdiction relative to planning for new airport sites.

RECOMMENDATIONS

It is recommended that the Airport Land Use Commission be charged with carrying out the following functions (References indicate Public Utility Code Section -- see item C):

1. Formulate a comprehensive land use plan that will provide for the orderly growth of each public airport and the areas surrounding the airport.Section 21675
2. Safeguard the general welfare of the inhabitants within the vicinity of each public airport and the public in general.Section 21675
3. Include, as part of the comprehensive land use plan, a long-range master plan that reflects the anticipated growth of each public airport during at least the next 20 years. (This plan shall not be inconsistent with the State Master Airport Plan.)Section 21675
4. Develop, as part of the Land Use Plan, height restrictions on buildings, and building standards, including soundproofing.Section 21675
5. Establish planning boundaries for each public airport.Section 21675
6. Review all municipal area plans that are within the jurisdiction of the ALUC to determine whether the area plans are consistent with the ALUC Land Use Plans.Section 21676

7. Review all airport development plans to determine whether the development plans are consistent with the ALUC Land Use Plans.Section 21676
8. Review and consider the impact of the various Federal, State, Regional and Local plans and policies that affect airport planning in any way. ALUC policies must be consistent with PPC policies.

NOTE: The following are examples of these plans:

- a. ABAG Regional Plan
 - b. BASAR/RASS regional aviation studies
 - c. Subregional (countywide) air space studies in the future
 - d. Amendments to City General Plans
 - e. Amendments to various city and County recreation plans
 - f. Regional open space plan
 - g. Countywide open space plan
 - h. State Aviation Plan
 - i. National Airport Plan
 - j. Previous PPC Airport Subcommittee report
9. The ALUC should seek adoption of its Comprehensive Land Use Plan by each jurisdiction affected.

REFERENCES:

1. Section 21674 of the Public Utilities Code, as amended 1970, reads:

"The commission shall have the following powers and duties, subject to the limitations upon its jurisdiction herein set forth:

- "(1) To study conditions and make recommendations concerning the need for height restrictions on buildings near airports;
- (2) To make recommendations for the use of the land surrounding airports to assure safety of air navigation and the promotion of air commerce;
- (3) To hold public hearings regarding the subject matter in subdivisions (1) and (2) and make findings of fact thereon which would be advisory only to the involved jurisdiction.
- (4) To make and enforce rules and regulations for the orderly and fair conduct of such hearings which shall conform as nearly as possible to the provisions applicable to hearings conducted by local agency formation commissions.

"The powers of the commission shall in no way be construed to give the commission jurisdiction over the operation of any airport."

2. Section 21675 of the Public Utilities Code as amended 1970 reads:

"The commission shall formulate a comprehensive land use plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and

RULES AND REGULATIONS OF THE SAN MATEO COUNTY
AIRPORT LAND USE COMMISSION

The 1970 session of the State Legislature enacted a law requiring the formation of an Airport Land Use Commission in each county with an airport served by commercial airlines such as San Francisco International in San Mateo County.

The law provides that an existing agency can be designated to serve this function. In San Mateo County, the Regional Planning Committee (RPC) was designated by the Board of Supervisors to be the Airport Land Use Commission (ALUC). The Secretary of State in Sacramento was notified during December, 1970, in accordance with the law, and the ALUC officially came into existence in this county at the beginning of 1971.

The Executive Committee of RPC determined that the working body would be a subcommittee including the RPC members representing the seven cities contiguous to the three county airports and two at large drawn from the remaining cities. In addition, two ex-officio nonvoting members representing the county airports and San Francisco International Airport respectively were appointed.

The authority, powers, duties and limitations of the Commission are defined in the California Public Utilities Code, Division 9, Part 1, Chapter 4, Article 3.5, including Sections 21670 through 21676.

In accordance with the authority with which it has been invested, and in performance of the duties with which it has been charged, the San Mateo County Airport Land Use Commission hereby adopts and promulgates the following rules:

ARTICLE I, OBJECTIVE. It shall be the objective of the Commission to promote the orderly development of each public airport and its area of influence in such manner as to safeguard both the welfare of the inhabitants in such areas and the interests of the general public and to assure safety of air navigation as well as to encourage the growth of air commerce.

ARTICLE II, DEFINITIONS. As used in these rules, the following words shall have the meanings as indicated:

"airport" -- An area of ground designated and intended for the taking-off and/or landing of aircraft. Heliports and stolports both will be considered to be airports for the purposes of implementing these rules and formulating land use plans.

"airport-influenced area" -- An area, around each specified airport, that is designated by the Commission, which is, or reasonably may become, affected by airport-related noise, fumes or other influence, or which may be now or in the future a site for a hazard to aerial navigation.

"commission" -- The San Mateo County Airport Land Use Commission, which is the Regional Planning Committee.

"committee" -- The San Mateo County Airport Land Use Subcommittee of RPC.

"heliport" -- An area designated and intended for the taking-off and landing of helicopters or other types of aircraft capable of vertical ascent and descent, whether or not the area is located on a building or a platform.

"local zoning authority" -- The county, a city, more than one city, or a combination of the county and cities which have the authority to zone all or any part of the land which has been designated by the Commission as being in the airport-influenced area.

"public use airport" -- Any airport which offers the use of its facilities by the public in general without prior notice and without specific invitation or clearance. Ownership of the airport, whether public or private, is not a factor. An airport owner may discriminate against use by a size or type of aircraft for

which the facilities are not adequate without altering the status of the airport as public-use.

"private use airport" -- Any airport, regardless of type of ownership, which allows use of its facilities only by the owner and his invitees.

"stolport" -- An area intended and designated for the taking-off and landing of short take-off and landing type of aircraft.

"type (of airport)" -- Categories of "types" of airports are enumerated by the Federal Aviation Regulations and are related to runway lengths, width, bearing strength and obstruction clearance; therefore, "type" of airport is directly related to the numbers, sizes and categories of aircraft that can be accommodated.

ARTICLE III, AIRPORT-INFLUENCED AREAS.

SECTION 3.1. DESIGNATION. An airport-influenced area shall be designated around each public use airport in San Mateo County. The size and shape of the area shall be determined on the basis of the type of airport that has been designated for the particular site, according to the ultimate development as shown in the San Mateo County General Plan of Airports and the Master Plan for San Francisco International Airport.

SECTION 3.2. INTERIM DESIGNATION OF AIRPORT-INFLUENCED AREAS. In order to provide some immediate guidance to local zoning authority, pending the adoption of a comprehensive land use plan for the area around each public use airport in the county, the Committee shall designate "Interim Airport-Influenced Areas". The "interim" classification will be placed on the areas which, in the judgement of the Committee, are, or may be, critical for future planning purposes. The imposition of an "interim airport-influenced area" classification will not require that local zoning authority refer zone changes within the critical area to the Committee. However, the Committee and its staff will be available to offer guidance and advice upon request.

SECTION 3.3 DEFINING BOUNDARIES. The planning boundaries of airport-influenced

the affected local zoning authorities. The boundaries, both in the interim stage as well as the final adopted plan, shall be defined to the maximum practicable extent by utilizing prominent features or landmarks of a permanent nature such as roads, power lines, railroad tracks, developed properties, etc.

It is the intent of the Committee to make it possible for individual property owners to quickly and easily ascertain whether a particular parcel of property is located in the airport-influenced area.

ARTICLE IV, FORMULATION OF LAND USE PLAN.

SECTION 4.1. PURPOSE. The Committee shall formulate a comprehensive land use plan for all airport-influenced areas in the county, as required by State Law, by utilizing the following documents as primary sources of information:

General Plans, Specific Plans, Zoning Maps and Ordinances of Local Planning Authorities

San Mateo County General Plan of Airports

Master Plan, San Francisco International Airport

California Administrative Code, Chapter 9, Title 4, Subchapter 6,
NOISE STANDARDS

Federal Aviation Regulations, Part 77, OBJECTS AFFECTING NAVIGABLE
AIRSPACE

Regional Airport Systems Study, by Association of Bay Area Governments

The land use plan shall reflect the anticipated 20-year growth of each airport and shall be consistent with the State Master Airport Plan. Representatives of the airport owner and the local zoning authorities will be asked to cooperate with the Committee and to provide expertise regarding the local areas. It is intended that the local zoning authorities that are affected by an area land use plan shall assist in the development of the plan.

SECTION 4.2. FACTORS IN LAND USE PLAN FORMULATION. The land use plan may consider, but not be limited to, such factors as compatible land use, building heights, soundproofing of buildings and ground access to airports.

Land use designation and standards established by the individual local planning authorities shall be used, as appropriate, to the maximum extent. Preparation of each Land Use Plan shall be a cooperative effort of the Committee's staff and the representatives of the local zoning authority.

SECTION 4.3. ADOPTION OF THE PLAN. The Land Use Plan for each airport-influenced area, when it has been approved and adopted by the Commission, shall constitute the Commission's recommendation for land use to the local planning agencies. Prior to adopting each land use plan, the Commission shall hold a public hearing in accordance with ARTICLE VI. (HEARINGS).

ARTICLE V. IMPLEMENTATION OF LAND USE PLANS. Local zoning authorities will be encouraged and requested to implement the provisions of the Land Use Plan, as recommended by the Commission, for their particular areas by adopting appropriate zoning or other regulatory measures.

SECTION 5.1. CONSISTENT ACTION. Changes in the zoning regulations or maps by the local authorities, which are consistent with the plan approved by the Commission, shall not call for review or action by the Committee; however, a report of the action and final result of the local zoning authority shall be forwarded to the Commission's office for the Commission's files.

SECTION 5.2. INCONSISTENT ACTION. When changes in the zoning regulations or maps are proposed by local authority which are not consistent with the Land Use Plan as approved by the Commission, the proposed changes shall be submitted to the Committee for study, hearing (as hereinafter provided), and recommendation prior to final decision by local zoning authority. The findings and recommendation of the Committee shall be returned to the local zoning authority upon the close of the Committee's hearing. (See Article VI). Recommendations will be made for changing the defined standards of a local zone wherever there is no local zone appropriate for the recommended restriction. The recommendation of the Committee shall

be binding on the local zoning authority unless its governing body by at least a four-fifths vote overrules the Committee.

ARTICLE VI, HEARINGS.

SECTION 6.1. SCHEDULING. Hearings shall be scheduled by the Committee to consider matters relevant to its duties and responsibilities when requested by two or more of the Committee members or by a local zoning authority. A hearing also may be scheduled when requested by any interested party that claims that a matter being considered by a local zoning authority, or that action taken by a local zoning authority, is not consistent with the Commission approved plan for an airport-influenced area. A request for hearing by an interested party shall be filed simultaneously with both the Committee and the local zoning authority. If the matter is under consideration by the local zoning authority, the committee's staff may request that the local zoning authority take no final action on the matter for a period of not less than 30 days to receive the Committee's recommendation.

SECTION 6.2. PROCESSING OF HEARING REQUESTS. Requests for hearing, except when initiated by the Committee in session, shall be submitted either on forms provided by the Committee or in letter form. The request shall fully and fairly state the reason for the request and shall detail property descriptions, maps and other material necessary to fully understand the matter for which a hearing is being requested. Within the fifteen working days immediately following the receipt of a request for hearing, the Committee's staff shall determine if the matter for which the hearing is being requested is within the purview of the Committee. If the matter is a proper subject for a hearing, a date for the hearing shall be set, and the date for hearing shall be no more than 30 days following the original filing of the request for hearing.

SECTION 6.3. HEARING NOTICE. The date and subject matter of each hearing shall be "Noticed" by publication at least one time in a newspaper having general cir-

culatation in the part of the county in which the subject matter of the hearing is situated. The hearing notice shall be caused to be published at least ten working days prior to the date of hearing. At the same time the published notice is submitted to the newspaper, a special notice shall be sent to the local zoning authority or person requesting the hearing and to all public agencies having an interest in the matter to be heard.

SECTION 6.4. RULES OF HEARING. The Committee will form rules for conducting hearings.

SECTION 6.5. QUORUM AND ACTION. Five members of the Committee shall constitute a quorum for the conduct of business. At least five affirmative votes shall be required for the Committee to take action on any motion before it.

ARTICLE VII. TEMPORARY DISQUALIFICATION OF COMMISSION MEMBERS.

SECTION 7.1. CONFLICT OF INTEREST. A Committee/Commission member shall disqualify himself from taking part in any discussion or in casting a vote in any matter in which the member, one of his immediate family, or a relative of the first rank has any substantial interest. He shall then temporarily vacate his seat on the Committee/Commission and may become either a proponent or an opponent of the matter then being heard.

ARTICLE VIII, COMMISSION'S STAFF MEMBERS. The members of the RPC and/or Planning Commission staff shall be available to serve as staff members of the Airport Land Use Commission in performing its functions.

RESOLUTION NO. 1971-1

A RESOLUTION OF THE AIRPORT LAND USE COMMITTEE
OF SAN MATEO COUNTY TO DESIGNATE INTERIM
AIRPORT INFLUENCED AREAS
FOR SAN CARLOS AND HALF MOON BAY AIRPORTS

RESOLVED by the Airport Land Use Committee of the County of San Mateo, State of California, that

WHEREAS the Regional Planning Committee of San Mateo County has been designated by the Board of Supervisors as the Airport Land Use Commission of San Mateo County and the Airport Land Use Commission has designated the Airport Land Use Committee to formulate, study, and hold public hearings on land use at and around airports and report to the Airport Land Use Commission, and

WHEREAS the objective of the Committee is to promote the orderly development of the area of influence around each public airport in order to safeguard the welfare of the inhabitants of such areas and the general welfare, and

WHEREAS the formulation and adoption of a land use plan is a lengthy process, and

WHEREAS the development of areas adjacent to the airports is continuing, and it is necessary that a temporary designation of airport-influenced areas be made for the guidance of the public, its officials and other concerned persons, and

WHEREAS the powers of land use control over these designated areas rests with the local zoning authority, and

WHEREAS the Airport Land Use Commission in conjunction with the respective planning commission having jurisdiction desires to review proposed development plans within a two-mile radius of the centers of the two county administered airports in order to make recommendations that would promote a land use pattern compatible with the airport concerned, and

WHEREAS the interim airport-influenced area for San Francisco International Airport shall be designated in a separate resolution.

NOW, THEREFORE, BE IT RESOLVED:

1. That the San Mateo County Airport Land Use Committee designates for study and planning purposes those areas within two miles of the respective centers of the two county administered airports at San Carlos and Half Moon Bay as airport-influenced areas.
2. That the San Mateo County Airport Land Use Committee respectfully requests that proposed developments within two miles of the centers of the two county administered airports be referred to this Committee for review and comment by the planning commission having jurisdiction.

Regularly passed and adopted this 17th day of NOVEMBER, 1971

AYES and in favor of said resolution:

Committeemen: Bernard Lycett

Jerry Fields

Gordon Boblitt

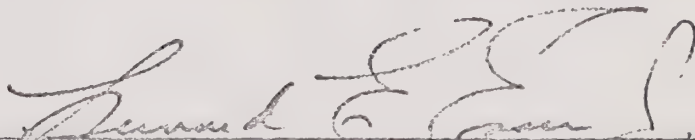
George Scager

Bernard Esser

NOES and against said resolution:

Committeemen: Paul Keckley

Absent Committeemen: _____



Chairman, Airport Land Use Committee
County of San Mateo
State of California

ATTEST:



Secretary of Airport Land Use Committee

RESOLUTION NO. 1971-2

A RESOLUTION OF THE AIRPORT LAND USE COMMITTEE
OF SAN MATEO COUNTY TO DESIGNATE INTERIM
AIRPORT-INFLUENCED AREAS
FOR SAN FRANCISCO INTERNATIONAL AIRPORT

RESOLVED by the Airport Land Use Committee of the County of San Mateo, State of California, that

WHEREAS the Regional Planning Committee of San Mateo County has been designated by the Board of Supervisors as the Airport Land Use Commission of San Mateo County and the Airport Land Use Commission has designated the Airport Land Use Committee to formulate, study, and hold public hearings on land use at and around airports and report to the Airport Land Use Commission, and

WHEREAS the objective of the Committee is to promote the orderly development of the area of influence around each public airport in order to safeguard the welfare of the inhabitants of such areas and the general welfare, and

WHEREAS the formulation and adoption of a land use plan is a lengthy process, and

WHEREAS the development of areas adjacent to the airports is continuing, and it is necessary that a temporary designation of airport-influenced areas be made for the guidance of the public, its officials and other concerned persons, and

WHEREAS the powers of land use control over these designated areas rests with the local zoning authority, and

WHEREAS the census tract is a clearly defined unit of land area used by the United States Bureau of the Census for statistical reporting, and

WHEREAS the Airport Land Use Commission in conjunction with the respective planning commission having jurisdiction desires to review proposed development plans within census tracts 6001 through 6030, 6036 through 6054, 6056, 6061, and 6077 through 6084 as adopted for the 1970 U.S. decennial census for San Mateo County, California; in order to make recommendations that would promote a land use pattern compatible with the airport concerned, and

WHEREAS the interim airport-influenced areas for San Carlos and Half Moon Bay Airports were designated in a separate resolution.

NOW, THEREFORE, BE IT RESOLVED:

1. That the San Mateo County Airport Land Use Committee designates for study and planning purposes those areas within the census tracts listed above as airport-influenced areas.
2. That the San Mateo County Airport Land Use Committee respectfully requests that proposed developments within their census tracts listed above be referred to this Committee for review and comment by the planning commission having jurisdiction or the San Francisco Airports Commission.

Regularly passed and adopted this 8th day of DECEMBER, 19 71

AYES and in favor of said resolution:

Committeemen: Leonard Brown George Seager

Gordon Boblitt

Jerry Fields

Anthony Governale

Everett Kindig

NOES and against said resolution:

Committeemen: NONE

Absent Committeemen: _____

Leonard J. Brown
Acting Chairman, Airport Land Use Committee
County of San Mateo
State of California

ATTEST:

Eugene Mascarelli
Secretary of Airport Land Use Committee

APPROVED POLICY
OF THE PLANNING POLICY COMMITTEE OF SANTA CLARA COUNTY
REVISED TO AUGUST 1970

JET AIRPORT

Policy recommendations. Adopted by the Planning Policy Committee in May 1970. For the full commentary, see the Airport Subcommittee report.

1. General

Airport planning should be part of a long range, continuing, areawide planning process in which all local governments, and also regional government, the State of California, and the United States Government should participate.

A jet airport district or another organization that works on a regional or subregional basis, should be created to plan and build jet airports. There should be due and deliberate haste to create an organization for planning and providing airport facilities to serve the South Bay Region.

2. Site E is Unsatisfactory as an Airport Location and Should Be Dropped from Consideration

(Staff note: Site E is the San Jose jet airport site that lies north of future Highway 237 and west of existing Highway 17. It is located in the Bay and in the baylands.)

3. Site D Should Be Dropped from Consideration

(Staff note: Site D includes most of those lands lying south of future Highway 237 and west of existing Highway 17 and east of the Guadalupe River, and north of Brokaw Road.)

4. No other General Airport Sites in north San Jose should be adopted by the San Jose City Council unless concurred in by all those that would be affected, including the cities in southern Alameda County.

5. The subcommittee does not make any recommendations on the following sites due to lack of evidence as to their practicability:

- a. Hilltop
- b. Hollister site
- c. South County site
- d. Moffett Site

6. The Present Jet Airport

- a. Construction at the present site should be built on a staged basis and at each point there should be a review of the technology and impact of airport development.
- b. When compared with the north San Jose sites, the existing airport is considered least destructive to the Wildlife Refuge.

- c. The existing airport is considered to create a severe noise problem to portions of central, western, and southern San Jose, portions of Santa Clara, Agnew West, Alviso, and Sunnyvale.
- d. The Planning Policy Committee finds that with regard to the present airport it is no longer possible to control the minimum amount of land area needed to avoid severe noise intrusion to pre-existing residential areas.

Findings and Recommendations Adopted by the Planning Policy Committee Airport Subcommittee as Recommended by the Airport Subcommittee and Adopted May 1970. For further details see the Airport Subcommittee Report.

New Technologies

1. San Jose should take positive steps to employ all the available new technologies and expertise in planning for all airport development that takes place in the future, including expansion of its present airport. These steps should also apply to any future airport development within the Santa Clara County urban area.
2. San Jose should put sound and air pollution restrictions on commercial aviation.
3. San Jose should encourage exploration of new technologies to improve surface transportation to serve any airport.
4. San Jose should consider the division of proposed airport facilities into elements which would include the possibility of utilizing satellite parking facilities and the possibility of setting the passenger terminal three to five miles from the aircraft landing and take-off facilities.
5. All recommendations relating to new technologies should apply to all sites being considered; no specific site is recommended.

Ecological and Environmental Impact

6. San Jose should give maximum consideration to all environmental and ecological aspects of any proposed airport site, including the existing airport site.
7. San Jose should give strong consideration to regulations controlling pollutant emissions from aircraft for any and all airport sites.
8. Wildlife Refuge:
 - a. Site E is considered to be incompatible with the Wildlife Refuge and would eliminate a large portion of wetlands, marshlands and other invaluable South Bay lands. The Planning Policy Committee refers to the facts included in:

"San Francisco Bay Plan Supplement," published by BCDC, January 1969.

- b. Site E will particularly endanger the survival of the Red-bellied Harvest Mouse as a species. The Planning Policy Committee refers to the facts included in the following publications:

"San Francisco Bay Wildlife Refuge," published by the United States Department of the Interior, Fish and Wildlife Service.

"A National Wildlife Refuge for South San Francisco Bay," published by the Santa Clara County Planning Department, September 1969.

- c. Site D is considered to be somewhat detrimental to the Wildlife Refuge but not as detrimental as Site E.
- d. The existing airport is considered least destructive to the Wildlife Refuge.
- e. Overflights of low-flying aircraft are considered detrimental to the public enjoyment of the Wildlife Refuge.

9. Noise:

- a. Site E is considered to create a severe noise problem to the northerly part of San Jose, and would create an extreme noise problem in the community of Alviso, and to parts of Newark and Fremont. Agnew East would have to be removed.
- b. Site D is considered to create a severe noise problem to north San Jose and a portion of central San Jose, a portion of southern Newark and southwestern Fremont, Agnew East, and Alviso to the extent that Alviso would have to be removed.
- c. The existing airport is considered to create a severe noise problem to portions of central, western, and southern San Jose, portions of Santa Clara, Agnew West, Alviso, and Sunnyvale.

General Land Use Recommendations Around Airport Facility

- 10. San Jose should exclude from the airport site all land uses other than airport uses or aviation-oriented commercial or industrial development.
- 11. San Jose should adopt regulations relative to special construction techniques to minimize the effects of noise, vibration, air pollution, etc., for all buildings that would be built on the airport site.
- 12. The Planning Policy Committee finds that three Bayside airport sites would be rated as follows in regard to on-site land use opportunities:
 - a. Site D would provide the best opportunities.
 - b. Site E would not be as desirable as Site D.
 - c. The existing airport site would be the least desirable.

Geological and Construction Problems

13. The Planning Policy Committee finds that Sites D and E are in areas that have experienced a major degree of subsidence. Sites D and E involve alluvial soils with attendant geological and construction problems; Sites D and E are in an area of maximum earthquake risk as rated by the United States Geological Survey; there will be special drainage problems in Sites D and E; it would be impractical if not impossible to put underground development or underground facilities in these areas, a factor which would raise construction costs; also any underground facility construction may create a problem of salt water intrusion into the underground fresh water aquifers. Site E is rated most severe with reference to these problems; Site D is rated less severe than Site E with reference to these problems.

Evaluation of Potential Maximum Passenger Capacities

14. The Planning Policy Committee finds that present or proposed local ground handling facilities could not handle the proposed 42 million passengers that have been indicated by the San Jose Airport studies.
15. The Planning Policy Committee recommends that Site E should have a maximum capacity range of 15-25 million passengers; Site D should have a maximum capacity range of 15-25 million passengers; the existing airport should have a maximum capacity range of 8 to 10 million passengers.

Impact

16. The Planning Policy Committee recommends that for any airport facility being considered, including the present site, all persons to be displaced by airport development be satisfactorily relocated prior to airport construction. It was noted that all federally funded projects have such relocation requirements.
17. The Planning Policy Committee finds that the jet airports being considered are a matter of areawide or South Bay regional importance and impact, and the subcommittee, therefore, feels that they must be planned with the participation and concurrence of all those affected.
18. The Planning Policy Committee recommends that reasonable and protective zoning regarding compatible uses should be adopted for any and all sites that might be adopted for airport development.
19. The Planning Policy Committee finds that with regard to Site E, Site D, and the present airport, it is no longer possible to control the minimum amount of land area needed to avoid severe noise intrusion to pre-existing residential areas.
20. The Planning Policy Committee finds that Site E and the northerly portion of Site D are inconsistent with the BCDC San Francisco Bay Plan as adopted by the State Legislature.

21. The Planning Policy Committee notes that Site D would eliminate about one-half of the planned industrial land reserve for San Jose. This is 2,200 acres out of a potential 5,500 acres.
22. The Planning Policy Committee notes that to date no economic cost-benefit studies have been prepared for the airport site locations. Economic considerations should be studied and advantages and disadvantages indicated.

March 11, 1971

TO: PLANNING POLICY COMMITTEE
FROM: PPC EXECUTIVE COMMITTEE
SUBJECT: AIRPORT LAND USE COMMISSION (ALUC)

BACKGROUND

The Planning Policy Committee has been designated as the Airport Land Use Commission (ALUC) by the Board of Supervisors, with the concurrence of the Mayors' Committee of the Inter-City Council (ICC), and has been certified as such by the Secretary of State of California.

For assistance in carrying out the ALUC functions, the PPC should establish an ALU Subcommittee to consider and make recommendations on the functions of the ALUC, and matters brought before it.

Discussion with the County Counsel indicates that ALUC will have authority to adopt land use policy for lands surrounding the airports. It will have certain review functions in the planning and development of the airports themselves. The commission has not been given the responsibility for planning new airports nor for locating sites for new airports. Once an airport site has been officially adopted as a site, the airport then comes under the jurisdiction of ALUC. The commission, however, may offer advice to any jurisdiction relative to planning for new airport sites.

RECOMMENDATIONS

It is recommended that the Airport Land Use Commission be charged with carrying out the following functions (References indicate Public Utility Code Section -- see item C):

1. Formulate a comprehensive land use plan that will provide for the orderly growth of each public airport and the areas surrounding the airport.Section 21675
2. Safeguard the general welfare of the inhabitants within the vicinity of each public airport and the public in general.Section 21675
3. Include, as part of the comprehensive land use plan, a long-range master plan that reflects the anticipated growth of each public airport during at least the next 20 years. (This plan shall not be inconsistent with the State Master Airport Plan.)Section 21675
4. Develop, as part of the Land Use Plan, height restrictions on buildings, and building standards, including soundproofing.Section 21675
5. Establish planning boundaries for each public airport.Section 21675
6. Review all municipal area plans that are within the jurisdiction of the ALUC to determine whether the area plans are consistent with the ALUC Land Use Plans.Section 21676

7. Review all airport development plans to determine whether the development plans are consistent with the ALUC Land Use Plans.Section 21676
8. Review and consider the impact of the various Federal, State, Regional and Local plans and policies that affect airport planning in any way. ALUC policies must be consistent with PPC policies.

NOTE: The following are examples of these plans:

- a. ABAG Regional Plan
 - b. BASAR/RASS regional aviation studies
 - c. Subregional (countywide) air space studies in the future
 - d. Amendments to City General Plans
 - e. Amendments to various city and County recreation plans
 - f. Regional open space plan
 - g. Countywide open space plan
 - h. State Aviation Plan
 - i. National Airport Plan
 - j. Previous PPC Airport Subcommittee report
9. The ALUC should seek adoption of its Comprehensive Land Use Plan by each jurisdiction affected.

REFERENCES:

1. Section 21674 of the Public Utilities Code, as amended 1970, reads:

"The commission shall have the following powers and duties, subject to the limitations upon its jurisdiction herein set forth:

- "(1) To study conditions and make recommendations concerning the need for height restrictions on buildings near airports;
- (2) To make recommendations for the use of the land surrounding airports to assure safety of air navigation and the promotion of air commerce;
- (3) To hold public hearings regarding the subject matter in subdivisions (1) and (2) and make findings of fact thereon which would be advisory only to the involved jurisdiction.
- (4) To make and enforce rules and regulations for the orderly and fair conduct of such hearings which shall conform as nearly as possible to the provisions applicable to hearings conducted by local agency formation commissions.

"The powers of the commission shall in no way be construed to give the commission jurisdiction over the operation of any airport."

2. Section 21675 of the Public Utilities Code as amended 1970 reads:

"The commission shall formulate a comprehensive land use plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and

will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general. The commission plan shall include a long-range master plan that reflects the anticipated growth of the airport during at least the next 20 years. This plan shall not be inconsistent with the State Master Airport Plan. In formulating a land use plan, the commission may develop height restrictions on buildings, may specify use of land, and may determine building standards, including soundproofing adjacent to airports, within the planning area.

"The planning boundaries shall be established by the commission after hearing and consultation with the involved agencies."

3. Section 21676 reads:

"Each public agency having representation on the commission shall assist in the development of an area plan. All such plans must be filed with the commission for its approval. If, in the determination of the commission, an action or regulation of any public agency with the boundaries of the area plan is inconsistent with the commission plan, then the commission shall hold a hearing to determine whether or not the proposed action is in the best interest of the airport and the adjacent area. If it is determined that the action would be harmful, then the public agency shall be notified and the public agency shall have another hearing to reconsider its action. The public agency proposing the action or regulation, however, may overrule the commission after such hearing by a four-fifths vote of its governing body."

"Each public agency owning any airport within the boundaries of the area plan shall file any substantive change in development plans with the commission for its approval. If such plans are inconsistent with the commission plan, then the public agency shall be notified and shall have another hearing to reconsider its action. Such public agency, however, may overrule the commission by a four-fifths vote of its governing body."

March 11, 1971

TO: PLANNING POLICY COMMITTEE
FROM: PPC EXECUTIVE COMMITTEE
SUBJECT: AIRPORT LAND USE SUBCOMMITTEE

A. BACKGROUND

Airport Land Use Subcommittee of PPC should be appointed and designated the working group.

A subcommittee (which could be called the Airport Land Use Subcommittee) should be created by PPC to consider and recommend means by which the intent of the State law should be carried out.

It is recommended that the Subcommittee be composed as follows:

Voting members

- | | |
|--|-----|
| 1. One elected PPC member from each of the six PPC districts | (6) |
| 2. One Board of Supervisors' members on PPC | (1) |
| 3. Four members (public) representing organizations with an
interest in airport land use planning | (4) |
| Total | 11 |

Non-voting members

- | | |
|---|-----|
| 4. Two ex-officio members, the County and the City of San Jose
Airport Directors | (2) |
|---|-----|

B. RECOMMENDATIONS RELATIVE TO APPOINTMENT OF SUBCOMMITTEE

1. The PPC members (one from each district) should be appointed by the Chairman of PPC, subject to approval by the Executive Committee. Terms of appointment should be one year starting September 1. It would be desirable for members to be appointed for no more than four terms. Overlapping terms would be desirable. The first term appointments would terminate September 1, 1971 or until new appointments are made.
2. The Board of Supervisors' member is the same member appointed by the Board to PPC.
3. Four public members should be appointed by the Chairman subject to approval by the Executive Committee. The following is a list of possible groups from which to select:

Airline executive

Airport/aviation owner at one of the airports, including Fremont Airport

Airline pilot (ALPA)

Commercial pilot (Flight school, charter business)

"Business & Pleasure": personal flying (pilot's association)

Navy (Moffett NAS) (Navy liaison man)

FAA (FAA liaison man from regional office)
Other transportation (Transportation Policy Committee member; railroad or trucking company or bus line executive)
Neighborhood and community leaders from areas severely affected by flight patterns: San Jose approach; Agnew West area; Milpitas (San Jose new site); East San Jose (San Jose new site)
Metropolitan Association of San Jose; other interested Chambers of Commerce
Conservation groups, such as the Sierra Club and others
University or college environmentalists
And there are numerous other categories that might be appropriate.

4. The two ex officio members would be the County Airport Manager and the San Jose Airport Manager.
5. The Chairman and Vice Chairman of the Subcommittee should be appointed by the Chairman of PPC subject to approval by the Executive Committee.
6. The Subcommittee should be appointed as early as possible in order for the Subcommittee to begin meeting before the end of March 1971.

C. RECOMMENDED WORK PROGRAM

1. THE AIRPORT LAND USE SUBCOMMITTEE SHOULD RECOMMEND RULES, PROCEDURES AND CRITERIA FOR THE AIRPORT LAND USE COMMISSION.

NOTE:

- a. Planning Policy Committee has been certified as the Airport Land Use Commission (ALUC). This means that all official actions of the ALUC must be conducted by the full membership of PPC. It is suggested that special meetings of PPC be called to handle ALUC business. If this is not necessary, PPC, at a regular meeting, should adjourn as PPC and convene as ALUC. At this point, ALUC becomes a State mandated agency which would operate much like LAFCO.
- b. Section 21671 reads as follows:

"The commission shall meet at the call of the commission chairman or at the request of the majority of the commission members."
- c. Section 21672 reads as follows:

"Each commission shall adopt rules and regulations with respect to the temporary disqualification of its members from participating in the review or adoption of a proposal because of conflict of interest and with respect to appointment of substitute members in such cases."
- d. Section 21674 reads as follows:

"To make and enforce rules and regulations for the orderly and fair conduct of such hearings which shall conform as nearly as possible to the provisions applicable to hearings conducted by local agency formation commissions."

2. THE AIRPORT LAND USE SUBCOMMITTEE SHOULD RECOMMEND CRITERIA, RULES AND REGULATIONS FOR THE AIRPORT LAND USE SUBCOMMITTEE TO FOLLOW.

NOTE:

The Airport Land Use Subcommittee should establish a meeting schedule that will promote good communications with PPC, and provide the public adequate opportunity to communicate with the Subcommittee.

3. THE AIRPORT LAND USE SUBCOMMITTEE SHOULD RECOMMEND PUBLIC HEARING PROCEDURES FOR ALUC TO FOLLOW.

NOTE:

Section 21676 of the Public Resources Code as amended 1970 reads:

"Each public agency having representation on the commission shall assist in the development of an area plan. All such plans must be filed with the commission for its approval. If, in the determination of the commission, an action or regulation of any public agency within the boundaries of the area plan, then the commission shall hold a hearing to determine whether or not the proposed action is in the best interest of the airport and the adjacent area. If it is determined that the action would be harmful, then the public agency shall be notified and the public agency shall have another hearing to reconsider its action. The public agency proposing the action or regulation, however, may overrule the commission after such hearing by a four-fifths vote of its governing body."

"Each public agency owning any airport within the boundaries of the area plan shall file any substantive change in development plans with the commission for its approval. If such plans are inconsistent with the commission plan, then the public agency shall be notified and shall have another hearing to reconsider its action. Such public agency, however, may overrule the commission by a four-fifths vote of its governing body."

4. THE AIRPORT LAND USE SUBCOMMITTEE SHOULD RECOMMEND PLANNING BOUNDARIES FOR EACH AIRPORT TO INCLUDE ALL OF THE LAND DIRECTLY INFLUENCED BY FLIGHT ACTIVITIES, WHICH INCLUDES, BUT IS NOT LIMITED TO, FLIGHT PATTERNS AND NOISE PATTERNS. IN ADDITION, THE ALUC SHOULD CLAIM THE ENTIRE COUNTY AS IN THE ALUC AREA OF INTEREST.

NOTE:

- a. The following is a list of airports, with the local government listed (city or county) within which areas of jurisdiction will probably fall:

San Jose Airport	City of San Jose; City of Santa Clara; unincorp.
Reid Hillview Airport	City of San Jose; unincorp.
Palo Alto Airport	City of Palo Alto; City of Mountain View.
South Co. Airport (site)	Unincorporated (& check Gilroy, Morgan Hill).
Morgan Hill Airport	Unincorporated, perhaps Morgan Hill.
Fremont Airport area	City of Milpitas; City San Jose; unincorp.
in Santa Clara Co.	(Coordinate activities with Alameda Co. ALUC)
Moffett Field NAS	Sunnyvale; Mountain View; unincorp.; (USN)
Later:	Other private airports, new airports, etc.

b. While precise planning will be conducted around each airport, general planning relative to airports will be conducted for the entire county. By this means ALUC may advise jurisdictions on future airport planning.

5. THE AIRPORT LAND USE SUBCOMMITTEE SHOULD PREPARE A RECOMMENDED PRIORITY WORK SCHEDULE FOR THE ALUC. IT SHOULD INCLUDE PREPARATION OF LAND USE PLANS AND LONG RANGE PLANS FOR EXISTING AIRPORTS AND SITES.
6. THE AIRPORT LAND USE SUBCOMMITTEE SHOULD RECOMMEND MEANS OF IMPLEMENTING THE GOALS, POLICIES AND PLANS OF ALUC, SUCH AS THROUGH THE USE OF LOCAL ORDINANCES TO BE ADMINISTERED BY THE APPROPRIATE JURISDICTION, AND OTHER AVAILABLE MEANS.
7. THE AIRPORT LAND USE SUBCOMMITTEE SHOULD CONSIDER THE EXISTING STATE LAWS RELATING TO AIRPORT PLANNING, PARTICULARLY THE SECTION OF THE PUBLIC UTILITIES CODE DEALING WITH THE AIRPORT LAND USE COMMISSION, AND RECOMMEND CHANGES THAT WILL HELP TO CLARIFY AND IMPLEMENT THE DUTIES AND RESPONSIBILITIES OF ALUC.
8. THE AIRPORT LAND USE SUBCOMMITTEE SHOULD RECOMMEND FOR ADOPTION BY ALUC STANDARDS FOR LAND USE, HEIGHT, AND SOUNDPROOFING AS PART OF THE PLANNING PROGRAM.
9. THE LAND USE SUBCOMMITTEE SHOULD REVIEW ANY NEW AIRPORT PROPOSALS ASSIGNED TO IT BY PPC.

BYLAWS OF THE SANTA CLARA COUNTY AIRPORT LAND USE COMMISSION (ALUC)
Approved by ALUC December 16, 1971

1. Name: The name of this organization is the Santa Clara County Airport Land Use Commission, which may be abbreviated to ALUC.

There is a committee of the ALUC which shall be called the Airport Land Use Subcommittee, abbreviated ALUS. The ALUC shall adopt separate bylaws for the ALUS.

2. Purposes: The purpose of the ALUC is to carry out the statutory responsibilities required by Article 3. and Article 3.5 of the Public Utilities Code of the State of California.
3. Membership: The members of the Santa Clara County Planning Policy Committee (PPC) are members of the ALUC. The alternate members of PPC are the alternate members of ALUC.
4. Officers: The officers of the ALUC are the same as those of the PPC, with the same titles and with corresponding duties. The Chairman may call public hearings and other public meetings and initiate other actions as provided for in Article 3.5 of the Public Utilities Code.
5. Meetings: The Chairman may call for a meeting of the ALUC to be held at any regular meeting of the PPC after due notice as required by law. The Chairman may call for public hearings or special meetings of the ALUC in accordance with the provisions of Section 21674 of the Public Utilities Code. Seventeen members present at a meeting shall constitute a quorum.
6. General Rules of Procedure: General rules of procedure for ALUC shall be the same as those provided for the PPC in the PPC bylaws. A member shall temporarily disqualify himself from participating in the review or adoption of a proposal in the event of conflict of interest. In such cases, his alternate member shall act in his place.
7. Appointment of Airport Land Use Subcommittee Members:
 - a. The voting members of ALUS shall consist of six councilmen, and of one member of the County Board of Supervisors, and of four members chosen at large.
 - b. As vacancies occur, the Chairman of the ALUC shall appoint new voting members of ALUS, with the confirmation by majority vote of a quorum of the ALUC.
 - c. Election to the office of Chairman and Vice Chairman of ALUS shall be by appointment by the Chairman of ALUC with confirmation by a majority vote of a quorum of the ALUC.
 - d. The term of office of voting members of ALUS expires on September first of each year.
 - e. A voting member of ALUS may be removed from the ALUS by the Chairman of ALUC after a report to him by the Chairman of ALUS that the member has failed to attend three consecutive meetings.
 - f. The nonvoting members of ALUS shall consist of one representative from the San Jose Municipal Airport and one member from the Santa Clara County Airport System. These nonvoting members and their alternates shall be appointed by their respective institutions.

SUGGESTED WORK PROGRAM FOR ALUC/ALUS
(Airport Land Use Commission and Subcommittee)

1. ADMINISTRATIVE ORGANIZATION
(July, August, September, 1971)

See also prior reports to PPC.

Establish: meeting places and times; routine for minutes, agendas, and reports; procedures for Subcommittee hearings and investigative procedures.

Determination of: required administrative expenses; estimate of 1971-72 publication costs, and other costs; anticipation of future planning and study costs.

Responsibility: ALUS Chairman, ALUS, with staff assistance.

2. DETERMINATION OF AREA OF SPECIFIC ADMINISTRATIVE JURISDICTION
(July on)

Determination of areas of specific administrative jurisdiction: areas for required referral and review of all new proposed construction and urban development, public and private; or for review of specified land use types; or a determination that there will be no such specific administrative review. (Staff suggests that areas be defined on a Census Tract basis.)

Anticipation of future possible administrative involvement in activities such as noise abatement.

Responsibility: ALUS, with staff assistance in mapping and delineation of designated Census Tracts.

3. ORIENTATION, EXPLORATION, REVIEW
(July through December, 1971. Then continuous routine.)

Learning about the current airport and aviation situation.

Responsibility: ALUS, with the following staff work: (intensive initial work followed by an ongoing program):

- a. Preparation of illustrative material such as maps and diagrams, as required.
- b. Assembly and presentation of prior PPC work, including adopted policies.
- c. List and report on 1970 federal and state legislation pertaining to airports, aviation, ALUC, the environment, and related areas.
- d. List and report on the 1971 State bills now being considered by the legislature that pertain to airports, aviation, etc.
- e. Directory and list of relevant agencies: San Jose Municipal Airport, Santa Clara County Airport administration, Alameda County ALUC, San Mateo County ALUC, BASAR/RASS/ABAG, DMJM (the State Aviation Plan), California Department of Aeronautics, FAA Burlingame and Oakland.
- f. Arrangement for guest speakers and guest participants from agencies noted above, such as Tom Hughes and/or Elmer MacTagart from the California Department of Aeronautics.

4. AIRPORT AREA ANALYSIS
(July on)

Develop analysis programs for each of the following five airport areas:
San Jose Airport Area, Reid Hillview, Palo Alto, South County, Moffett

- a. Number of aircraft movements, per year, all aircraft:
Past year, current year, next year, and projections for designated future years.
- b. Number of aircraft movements, jets, and transports:
For selected years as (a) above.
- c. Number of passengers, millions, selected years.
- d. Number of surface vehicle movements, on airport, by type, for selected years. Cars, trucks, busses. Passenger business, freight business, airport administrative business.
- e. Critical resident population, summarized by Census Tracts, 1970 Census:
To include population under aircraft traffic patterns and population under jet final approach and jet climbout.

Example of the Census Tracts for the San Jose Airport Area: 5046.02 (or ptn), 5049.01, 5048, 5050 (or ptn), 5052.01 (or ptn), 5051, 5052.03, 5002, 5001, 5004, 5006, 5007, 5008, 5017. See map also.

- f. Existing land use in critical census tracts.
1967 LUI updated to 1970.
- g. Selected social and economic characteristics in critical census tracts.
1970 Census.
- h. Airport boundary changes, projected or proposed, for selected future dates.
- i. Summary of anticipated airport impact changes.

Responsibility: ALUS and staff, airport departments, city planning departments, BASAR/RASSC/ABAG, FAA, California Department of Aeronautics, USN, etc.

Intensive effort from July 1971.

5. AIRPORT AREA PLANS
(continuous program)

State law provides that ALUC prepare area plans and provide regulation of land use, height, and noise insulation. At this time it is assumed that plans for the airport area either may be integrated into existing city plans or else may be prepared as new, separate, area plans. At this time it is assumed that these plans may be prepared by consultants, or by city planning department staffs, or by the County Planning Department staff, or by some combination which may include city or County public works departments, airport departments, building departments, etc. (At this time it is assumed that the ALUC will have the option to decline to prepare formal land use plans, either for lack of funding, or for other reasons.)

Each of the above options should be reviewed; a work program for plan preparation should be drawn up.

Responsibility: ALUS/ALUC

- a. Consideration and adoption of airport and land use policies.
(July 1971 - July 1972 intensive program)
- b. Consideration and determination of work program for the preparation of approximately five airport area plans.
(July 1971 - January 1972)
- c. Commencement of area plan preparation.
(January 1972. Intensive program by July 1972.)
- d. Review of airport development plans.
(When prepared by airports and when submitted to ALUS for review.)

6. IMPLEMENTATION

- a. Coordination with airports, with FAA, with USN, with California Department of Aeronautics.
(Immediately and continuing.)
- b. Publicizing policies and area plans.
(as developed)
- c. Involvement in zoning, precise plans, subdivision regulations, housing regulations, and other land use ordinances. Involvement in capital improvement programming for cities and the County and other agencies of Federal, State and local government. (Limited review program by end of 1971. Initiation of ordinance changes by end of 1972. Development of full program by end of 1973.)

Section 1000.000

The purpose of this section is to provide a framework for the development of a comprehensive plan for the city of [City Name]. The plan shall be developed in accordance with the following principles:

- The plan shall be based on the best available information and shall be updated as new information becomes available.
- The plan shall be developed in a participatory manner, involving the community and other stakeholders.
- The plan shall be developed in a transparent manner, with all decisions and actions being open to public scrutiny.
- The plan shall be developed in a flexible manner, allowing for adjustments as circumstances change.
- The plan shall be developed in a sustainable manner, taking into account the long-term interests of the community.

Section 1000.001

The purpose of this section is to provide a framework for the development of a comprehensive plan for the city of [City Name]. The plan shall be developed in accordance with the following principles:

- The plan shall be based on the best available information and shall be updated as new information becomes available.
- The plan shall be developed in a participatory manner, involving the community and other stakeholders.
- The plan shall be developed in a transparent manner, with all decisions and actions being open to public scrutiny.
- The plan shall be developed in a flexible manner, allowing for adjustments as circumstances change.
- The plan shall be developed in a sustainable manner, taking into account the long-term interests of the community.

Section 1000.002

The purpose of this section is to provide a framework for the development of a comprehensive plan for the city of [City Name]. The plan shall be developed in accordance with the following principles:

- The plan shall be based on the best available information and shall be updated as new information becomes available.
- The plan shall be developed in a participatory manner, involving the community and other stakeholders.
- The plan shall be developed in a transparent manner, with all decisions and actions being open to public scrutiny.
- The plan shall be developed in a flexible manner, allowing for adjustments as circumstances change.
- The plan shall be developed in a sustainable manner, taking into account the long-term interests of the community.

OVERALL PRELIMINARY TIME SCHEDULE FOR SUGGESTED ALUC/ALUS WORK PROGRAM

	1971					1972					1973					1974																		
	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A
1. Initial Administrative Organization	-----																																	
2. Determination of Jurisdiction	----- - - - - -																																	
3. Orientation, Exploration, Review	----- - - - - -																																	
4. Airport area analysis	----- -																																	

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